IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

Tr.P(C).No. 181 of 2007()

OPMV.64/2006 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR

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PETITIONERS:

1. KSHAMAVATHY, AGED 54 YEARS,
   W/O.LATE CHANDRAN, NEDUNGODE HOUSE,
   VELLENGY, NENMARA P.O., PALAKKAD DISTRICT.

2. BINDU, W/O.SUDHAKARAN, AGED 29 YEARS,
   DO, DO.

BY ADV. SRI.C.RAGHAVAN

RESPONDENTS:

1. K.SUDHAKARAN, S/O.KRISHNAN,
   V/439, KOZHIKKAD HOUSE, THIRUVAZHIYODE,
   AYLOOR P.O., NENMARA, PALAKKAD.

2. SAJEESHKUMAR, S/O.SWAMINATHAN,
   KOTTEKKAD HOUSE, KILIYALLUR, CHERAMANGALAM P.O.,
   MELARKODE VILLAGE, ALATHOOR TALUK, PALAKKAD.

3. NEW INDIA ASSURANCE CO. LTD.
   SREEVALLI BUILDINGS, ANICODE P.O., CHITTUR,
   PALAKKAD.

4. PUSHPAVATHY V.V., W/O.SHAJI @
   SHAJIMON, VELU HOUSE, MALLISSERY PARAMBU,
   GURUVAYOOR.

5. AMAR KRISHNA, AGED 3 YEARS (MINOR),
   S/O.SHAJI @ SHAJIMON, DO, DO.

6. ADHITHYA KRISHNA, AGED 7 YEARS
   (MINOR), S/O.SHAJI @ SHAJIMON, DO, DO.
   (MINOR RESPONDENTS 5 AND 6 ARE REPRESENTED BY
   MOTHER AND GUARDIAN, THE 4TH RESPONDENT).

BY

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

JP

**M.N.KRISHNAN, J**

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**Tr.P.(C) No.181 OF 2007**

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**Dated this the 14th day of September 2007**

**JUDGMENT**

This transfer petition is preferred to transfer O.P.(MV)No.64 of 2006 pending before the Motor Accidents Claims Tribunal, Thrissur to the Motor Accidents Claims Tribunal, Palakkad where O.P.(MV)No.303 of 2005 is pending. Petitioners in O.P.(MV)No.303 of 2005 are the mother and sister of the deceased, who died in a road accident and respondents 4 to 6 are alleged to be the wife and children of the deceased, who had filed O.P.(MV) No.64 of 2006 before the M.A.C.T., Thrissur.

2. Notice is given to all and the 3rd respondent has not been served in spite of repeated chances. It is averred that being an old lady, she is unable to travel and it is highly necessary that the case be tried at Palakkad. Though respondents 1, 2, 4 to 6 had been served they have not responded to the notice. Therefore, the averments remain uncontroverted.

Considering the basic facts stated in the petition, I transfer O.P.(MV) No.64 of 2006 pending before the M.A.C.T., Thrissur to M.A.C.T., Palakkad where O.P.(MV)No.303 of 2005 is pending . Since the insurance

company has not appeared before this court after effecting transfer, petitioners in O.P.(MV)No.303 of 2005 have to issue notice to the insurance company before proceeding with the trial of the matter.

Tr.P.C. Is disposed of as above.

**M.N.KRISHNAN, JUDGE**

**Cdp/-**